

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

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DONALD J. COON

Plaintiff,

-v.-

Civil Action No.  
1:13-cv-553 (GLS/RFT)

SOUTHWESTERN VERMONT  
MEDICAL CENTER, et al.

Defendant.

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APPEARANCES:

OF COUNSEL:

**FOR THE PLAINTIFF:**

DONALD J. COON  
Plaintiff *Pro Se*  
103 County Route 71  
Cambridge, New York 12816

GARY L. SHARPE,  
CHIEF JUDGE

**ORDER**

The above-captioned matter comes to this court following a Report-Recommendation by Magistrate Judge Randolph F. Treece, duly filed June 18, 2013. Following ten days from the service thereof, the Clerk has sent the file, including any and all objections filed by the parties herein.

No objections<sup>1</sup> having been filed, and the court having reviewed the Magistrate Judge's Report-Recommendation for clear error, it is hereby

ORDERED that the Report-Recommendation of Magistrate Judge Randolph F. Treece filed June 18, 2013 is ACCEPTED in its entirety for the reasons state therein; and it is further

ORDERED, that the Plaintiff's Complaint (Dkt. No. 1) be DISMISSED for failure to establish subject matter jurisdiction; and it is further

ORDERED, that judgment be entered dismissing Plaintiff's Complaint, and it is further

ORDERED, that the Clerk of the Court is to mail copies of the Order to the parties in accordance with the court's local rules.

IT IS SO ORDERED.

Dated: July 17, 2013  
Albany, New York

  
Gary L. Sharpe  
Chief Judge  
U.S. District Court

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<sup>1</sup> The court has received correspondence from Donald Coon indicating that he agrees with Magistrate Judge Treece's recommendation that this court lacks subject matter jurisdiction. At the same time, Coon asks this court to preserve his right to appeal this case. Since this court does not have subject matter jurisdiction, an appeal is not possible.